

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

UNITED STATES and STATE OF TEXAS	§	
ex rel. DANIEL W. ELLIOTT, M.D. et al.,	§	
	§	
v.	§	CIVIL ACTION NO. 1:23-CV-00329
	§	
SOUTHEAST TEXAS MEDICAL	§	JUDGE MICHAEL J. TRUNCALE
ASSOCIATES, LLP; et al.	§	

DEFENDANT ONPOINT LAB, LLC’S UNOPPOSED MOTION FOR LEAVE TO FILE
REPLY IN SUPPORT OF MOTION TO DISMISS COMPLAINT
UNDER NEW CAUSE NUMBER

Defendant OnPoint Lab, LLC (“OnPoint”) moves for leave to file its reply under the new cause number assigned to this matter following the transfer of the case from the Marshall Division, respectfully stating:

1. In response to the Complaint (Doc. 2), OnPoint moved to dismiss (Doc. 63), Relators responded (Doc. 89), and OnPoint replied (Doc. 95). All of this occurred under the cause number originally assigned to the case in the Marshall Division.

2. However, OnPoint’s reply was filed subsequent to the transfer order and the assignment of a new cause number to this case. As a result, OnPoint’s reply was not transferred along with all of the other pleadings in the case.

3. To correct this, OnPoint hereby moves for leave to file the reply under the new cause number, and tenders herewith a properly styled reply brief that should be linked to its motion to dismiss (Doc. 63).

4. This relief is not opposed by Relators.

5. Good cause exists for granting this relief because, in OnPoint’s view, the reply brief will aid the Court, the misfiling was inadvertent, and there is no prejudice to any party.

WHEREFORE, OnPoint prays that the Court direct the Clerk to either file the reply brief attached as Exhibit 1 hereto, or to permit OnPoint to do so.

Respectfully submitted,

Dennis Roossien

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CERTIFICATE OF CONFERENCE

The undersigned hereby certifies that, prior to filing this motion, I consulted with counsel for Relators, who advised this motion is not opposed.

Dennis Roossien

Dennis L. Roossien, Jr.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on all parties that have appeared through the Court's electronic filing system.

Dennis Roossien

Dennis L. Roossien, Jr.